

DEON HAYGOOD T15851

Name and Prisoner/Booking Number

MULE CREEK STATE PRISON

Place of Confinement

P.O. BOX 409020

Mailing Address

IONE, CA 95640

City, State, Zip Code

**FILED**

Jan 31, 2020

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DEON HAYGOOD

(Full Name of Plaintiff)

Plaintiff,

v.

(1) GOVERNOR GAVIN NEWSOM

(Full Name of Defendant)

(2) EX GOVERNOR JERRY BROWN

(3) JOE LIZARRAGA, MCSP WARDEN

(4) SCOTT KERNAN, EX DEPUTY DIRECTOR

Defendant(s).

☒ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. 2:20-cv-0239 EFB (PC)

(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

"JURY TRIAL DEMANDER"

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: MULE CREEK STATE PRISON, IONE CALIFORNIA

SHORT TITLE:

CASE NUMBER:

- ADDITIONAL DEFENDANTS

1 5. RALPH M. DIAZ

2 6. DIANA TOCHE

3 7. CONNIE GIPSON

4 8. TERRY BETTENCOURT

5 9. TAMIR AHMED

6 10. GREGORY LARRABEE

7 11. HAROLD HOW

8 12. ANDREW ALTEVOGT

9 13. CITY OF IONE

10 14. COUNTY OF AMADOR

26 (Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, *not* line numbers):

27 This page may be used with any Judicial Council form or any other paper filed with the court.

Page 1-A

### B. DEFENDANTS

1. Name of first Defendant: GAVIN NEWSOM. The first Defendant is employed as:  
GOVERNOR OF THE STATE OF CALIFORNIA at STATE CAPITOL OF SACRAMENTO CA.  
(Position and Title) (Institution)
2. Name of second Defendant: JERRY BROWN. The second Defendant is employed as:  
EX GOVERNOR OF THE STATE OF CALIFORNIA at UNKNOWN.  
(Position and Title) (Institution)
3. Name of third Defendant: JOE UZARRAGA. The third Defendant is employed as:  
WARDEN at MULE CREEK STATE PRISON.  
(Position and Title) (Institution)
4. Name of fourth Defendant: SCOTT KERNAN. The fourth Defendant is employed as:  
EX DEPUTY DIRECTOR at CDCR STATE PRISON(S).  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

### C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 2. Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: DEON HAYGOOD v. GONZALES ET AL
2. Court and case number: 1:09-cv-01489-YNP (PC)
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

b. Second prior lawsuit:

1. Parties: DEON HAYGOOD v. MARINA BOSTANSIAN
2. Court and case number: USDC EASTERN DISTRICT 2:19-cv-01343 EFB (PC)
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) PENDING

c. Third prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.



SHORT TITLE:

- ADDITIONAL DEFENDANTS

CASE NUMBER:

5. NAME OF 5<sup>TH</sup> DEFENDANT: RALPH M. DIAZ. THE FIFTH DEFENDANT IS EMPLOYED AS: DEPUTY DIRECTOR AT (OVER) CDCR STATE PRISON SYSTEM.
6. NAME OF SIXTH DEFENDANT: DIANA TOCHE. THE 6<sup>TH</sup> DEFENDANT IS EMPLOYED AS: THE SECRETARY OF HEALTH CARE AT (OVER) CDCR STATE PRISON SYSTEM.
7. NAME OF SEVENTH DEFENDANT: CONNIE GIPSON. THE 7<sup>TH</sup> DEFENDANT IS EMPLOYED AS: THE DEPUTY DIRECTOR OF FACILITY OPERATION AT (OVER) CDCR STATE PRISON SYSTEM.
8. NAME OF EIGHTH DEFENDANT: TERRY BETTENCOURT. THE 8<sup>TH</sup> DEFENDANT IS EMPLOYED AS: REGIONAL FACILITIES MANAGER AT (OVER) CDCR STATE PRISON SYSTEM.
9. NAME OF NINTH DEFENDANT: TAMIR AHMED. THE 9<sup>TH</sup> DEFENDANT IS EMPLOYED AS: ASSOCIATE DIRECTOR AT (OVER) CDCR STATE PRISON SYSTEM.
10. NAME OF TENTH DEFENDANT: GREGORY LARRABEE. THE TENTH DEFENDANT IS EMPLOYED AS: ENVIRONMENTAL & REGULATORY COMPLIANCE AT UNKNOWN INSTITUTION
11. NAME OF ELEVENTH DEFENDANT: HAROLD HOLD. THE 11<sup>TH</sup> DEFENDANT IS EMPLOYED AS: SUPERVISOR WORKER AT CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD COMPLIANCE
12. NAME OF TWELFTH DEFENDANT: ANDREW ALTEVOGT. THE 12<sup>TH</sup> DEFENDANT IS EMPLOYED AS: ASSISTANT EXECUTIVE OFFICER AT CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
13. NAME OF THIRTEENTH DEFENDANT: CITY OF LONE. THE 13<sup>TH</sup> DEFENDANT IS EMPLOYED AS: CITY AT LONE CALIFORNIA.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

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Page **2A**

SHORT TITLE: - ADDITIONAL DEFENDANTS	CASE NUMBER:
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1 14. NAME OF FOURTEENTH DEFENDANT: COUNTY OF AMADOR. THE FOURTEENTH  
2 DEFENDANT IS EMPLOYED AS: COUNTY AT AMADOR  
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26 (Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, *not* line  
27 numbers):

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## D. CAUSE OF ACTION

## CLAIM I

1. State the constitutional or other federal civil right that was violated: 8TH AMENDMENT CONSTITUTIONAL RIGHT TO BE FROM CRUEL AND UNUSUAL PUNISHMENT (BEING FORCED TO BATHE IN AND CONSUME CONTAMINATED WATER).
2. Claim I. Identify the issue involved. Check only one. State additional issues in separate claims.
- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Basic necessities  | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

PLAINTIFF ASSERTS THAT (ALL) NAMED DEFENDANTS ARE CIVILLY LIABLE UNDER THE 8TH AMENDMENT VIOLATION. GOV. GAVIN NEWSOM; EX. GOV. JERRY BROWN; JOE LIZARRAGA, EX WARDEN; SCOTT KORMAN, EX DEPUTY DIRECTOR OF CDCR; RALPH M. DIAZ, DEPUTY DIRECTOR OF CDCR; DIANA TOCHIE, SECRETARY OF HEALTH CARE FOR CDCR; CONNIE GIPSON, DEPUTY DIRECTOR OF FACILITY OPERATION OF CDCR; TERRY BETTEN COURT, REGIONAL FACILITIES MANAGER; TAMIR AHMED, ASSOCIATE DIRECTOR OF CDCR; GREGORY LARRABEE, CHIEF ENVIRONMENTAL REGULATORY COMPLIANCE; HAROLD HOLD, SUPERVISOR WORKER (C.V. R. W. G. C. B.); ANDREW ALTEVOET, ASSISTANT EXECUTIVE OFFICER (C.V. R. W. G. C. B.); CITY OF IONE; THE COUNTY OF AMADOR. ALL DEFENDANTS ARE SUED IN THEIR OFFICIAL & INDIVIDUAL CAPACITY.

1. PLAINTIFF ASSERTS THAT DEFENDANTS GAVIN NEWSOM (GOVERNOR) AND JERRY BROWN (EX GOVERNOR) ARE LIABLE.

2. PLAINTIFF ASSERTS THAT HE WAS SUFFERED GRIEVOUS INJURY FROM THE ABOVE NAMED DEFENDANTS BY BEING FORCED TO SUFFER THE INHUMANE AND DEGRADING TREATMENT OF BEING FORCED TO CONSUME AND BATHE WITH A WATER SUPPLY AT MDCR THAT IS CONTAMINATED WITH INDUSTRIAL WASTE AND HUMAN WASTE.

(SEE ATTACHMENT)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).  
 DEFENDANTS FAILED TO WARN PLAINTIFF ABOUT THE CONTAMINATED WATER, AND ALSO FAILED TO PROVIDE CLEAN DRINKING WATER WHILE AT THE SAME TIME BEING AWARE OF THE CONTAMINATION. AS A RESULT OF DEFENDANTS DELIBERATE INDIFFERENCE, PLAINTIFF WAS SUBJECTED TO DAILY STOMACH ACNES, ACHING JOINTS, NAUSEA, FREQUENT VOMITING & HEADACHES WHICH PERSISTS TO THIS VERY DAY. ALSO.

## 5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. PURSUANT TO PLAINTIFF'S WHISTLEBLOWER PROTECTION ACT CASE #12019-1462, FILING A GRIEVANCE WOULD'VE DEFEATED THE PROTECTION OF THE WHISTLEBLOWERS IDENTITY



1 (D. CAUSE OF ACTION - CLAIM I (CONT. PAGE 3a))

2 3. PLAINTIFF ASSERTS THAT DEFENDANT JOE LIZARRAGA, MCSP'S EX. WARDEN  
 3 IS CIVILLY LIABLE, ALONG WITH HIS SUPERIORS, AS THESE UNSAFE AND UNHEALTHY  
 4 LIVING CONDITIONS ARE UNDER HIS DIRECT SUPERVISION WITH COMPLETE KNOWLEDGE OF  
 5 THE CONTAMINATED WATER AT MCSP. CDCR DEPUTY DIRECTORS AND THOSE NAMED  
 6 DEFENDANTS ARE AWARE OF THE PRISON SYSTEMS' CONTAMINATION OF WATER SUPPLY  
 7 PROBLEM ALONG WITH MCSP. GREGORY LARRABEE, CHIEF ENVIRONMENTAL  
 8 REGULATORY COMPLIANCE; HAROLD HOLD, SUPERVISOR WORKER (C.V.R.W.(P.C.B.)); AND  
 9 ANDREW ALTEVOET, ASSISTANT EXECUTIVE OFFICER (C.V.R.W.(P.C.B.)) ARE ALSO CIVILLY  
 10 LIABLE AS THEY ARE AWARE OF THE SERIOUSNESS OF THE CONTAMINATED WATER AT  
 11 MCSP, AND AS THIS IS A SERIOUSLY BAD PROBLEM, NO ONE HAS INFORMED THE  
 12 PRISON POPULATION.

13 4. PLAINTIFF ASSERTS THAT THERE ARE INFACIT CURRENTLY NO LESS THAN (7)  
 14 SEVEN SITES ON A-FACILITY MCSP ALONE THAT SHOW CLEARLY VISIBLE SIGNS OF  
 15 MIXED WATER WITH AN OIL BASE SEEPAGE CLEARLY FROM SOME BROKEN PIPES  
 16 LOCATED UNDERGROUND. SEVERAL OF THESE PIPES & SITES CAN CLEARLY BE  
 17 DETERMINED TO BE SEWAGE PIPES WHICH ARE LOCATED IN THE FOLLOWING AREAS  
 18 ON THE YARD OF A-FACILITY:

19 a. A SEWAGE PIPE LOCATED BETWEEN THE EDUCATION ROOM DOOR, AND  
 20 THE CHAPEL DOOR APPROXIMATELY 10 FT OUT FROM THE WALL IN THE  
 21 GRASS.

22 b. A SEWAGE PIPE LOCATED BETWEEN THE CANTEN WINDOW AND THE  
 23 MEDICAL ROOM DOOR APPROXIMATELY 10 FT OUT FROM THE WALL IN  
 24 THE GRASS.

25 c. A SEWAGE PIPE AND WATER SUPPLY PIPES, LOCATED NEAR BUILDING  
 26 #2 BETWEEN THE EXERCISE AREA OF PARALLEL WORK OUT BARS,  
 27 AND THE DIRT TRACK APPROXIMATELY 20 FT STRAIGHT OUT FROM



(CAUSE OF ACTION, CLAIM I - 3b)

1 THE PARALLEL BARS NEXT TO THE DIRT TRACK.

2 d. SEWER PIPE UNDER THE LIGHT POLE IN FRONT OF YARD GATE

3 e. WATER PIPE IN FRONT OF THE YARD BATHROOM AREA ON THE  
4 INSIDE GRASS AREA OF THE ASPHALT TRACK.

5 f. WATER PIPE LOCATED IN THE SPRINKLER BOX IN FRONT OF  
6 BUILDING #4 ON THE INSIDE OF THE ASPHALT TRACK.

7 g. WATER AND SEWER PIPES LOCATED NEXT TO BUILDING #5 AND #1.

8 h. WATER AND SEWER PIPES LOCATED BETWEEN BUILDING #5 YARD  
9 DOOR AND THE HANDBALL COURT COMING OUT OF THE GROUND.

10 THESE ARE MERELY THE VISIBLY BROKEN PIPES YOU CAN SEE ARE BROKEN  
11 DUE TO THERE BEING WATER SEEPAGE WITH A DARK BLACK OILY FILM IN  
12 WHICH YOU CAN SMELL THE ODOR OF SEWAGE, GAS, AND OIL. ON CERTAIN  
13 DAYS THE STRONG SMELL OF GAS THAT COMES OUT OF THOSE SEWER PIPES ARE  
14 STRONG ENOUGH TO GIVE ~~YOU~~ AN EXTREMELY BAD HEADACHE, AND THE SMELL  
15 OF RAW SEWAGE IS CLOSE TO CONSTANT ODOR. THERE ARE OFTEN MUDDY  
16 SINK HOLES FROM THE WATER SEEPAGE EVEN WHEN THERE'S BEEN NO RAIN, AND  
17 YOU CAN SEE THAT THE WATER IS CONTAMINATED WITH A DARK OILY LIKE FILM  
18 THAT IS SITTING IN PUDDLES. IT CAN BE DETERMINED FROM THE DIFFERENT PUDDLES  
19 OF WATER SITTING AS **STATED** WHEN THERE'S BEEN NO RAIN IT WOULD BE ONLY  
20 COMMON SENSE THAT THERE IS A CRACK/BREAK CAUSING LEAKS FOR THERE TO  
21 BE WATER SITTING, AND THIS CONTAMINATION OF WATER IS ABOVE GROUND UPON SOFT  
22 DIRT.

23 THE SMELL OF FECES IS ALSO A COMMON SMELL IN THE WATER, ALONG  
24 WITH A STRONG ODOR OF DIRT. WHICH IS VERY STRONG FOR 30 TO 40 MINUTES IN THE  
25 BUILDING DURING DAYROOM WHEN THE SHOWERS START RUNNING, AND IN THE MORNINGS IN  
26 THE CELL WHEN USING THE SINK. THERE HAS BEEN CONSTRUCTION AND HEAVY EQUIPMENT  
27 DRIVING AROUND THE YARD CLOSE TO ~~3~~ (3) THREE YEARS PRIOR NOW ~~ON~~ ON THE SOFT



(CAUSE OF ACTION, CLAIM I 3c)

1 SOIL WHERE OLD AND CORRODED PIPES ARE AT.

2 THE STATEMENT OF "THE OLD AND CORRODED PIPES" ARE THAT OF  
3 CDCR STAFF CONFIRMING THAT MANY SEWER PIPES IN THE FACILITY WERE CAST  
4 IRON, AND THAT WITH 30 YEARS OF CORROSIVE SEWAGE MOVING THROUGH THE  
5 PIPES, IT HAS CORRODED MANY OF THE PIPES. CDCR FAILED TO INVESTIGATE  
6 THESE PIPES AS PROPOSED IN THEIR APPROVED STORM WATER INVESTIGATION  
7 WORKPLAN.

8 NOW, BEARING THE FACT THAT MCSP'S GROWTH IN PRISONERS FROM  
9 AN OCCUPIED 1,700 PRISONERS IN 1987, AND IN DECEMBER (15<sup>TH</sup>) 1994 THE  
10 CITY OF IOWA TOOK CDCR TO COURT FOR VIOLATIONS OVER "ENVIRONMENTAL  
11 QUALITY ACT, FOR VIOLATING ITS ORIGINAL MCSP CONTRACT.

12 IN 2006, MCSP ~~HAD~~ HAD 3,996 PRISONERS WITH 1,000 STAFF, AND THE  
13 PRISONS SYSTEM RAN ~~OUT~~ AT 230 PERCENT OF ITS DESIGNED CAPACITY. CURRENTLY  
14 MCSP POPULATION IS 5,395 WHICH IS WELL OVER THAT 3,968 PRISONERS  
15 AND 1,425 STAFF MEMBERS WHICH HAS WENT WELL BEYOND WHAT THE  
16 CAPACITY OF WEAR & TEAR ON THE CAST IRON PIPES BUT CDCR KNEW THIS,  
17 AND HAS NOT FIXED THE PROBLEM. NOW, THE PRISON IS AT SUCH A LEVEL OF  
18 CONTAMINATION OF ITS WATER WHERE PLAINTIFF HAS BEEN INJURED FROM THE  
19 WATER THAT IS NOT SAFE TO DRINK.

20 5. PLAINTIFF ASSERTS THAT THE FOLLOWING STATEMENTS ARE QUOTED BY  
21 ANDERSON DAVID, WHO WAS HIRED BY CDCR: "I WAS TOLD I WAS BUILDING A  
22 CULVERT TO PROTECT WILDLIFE. I NOW KNOW THAT IT HAD NOTHING TO DO WITH  
23 PROTECTING BIRDS AND WILDLIFE. THE GOAL FOR CDCR WAS TO HIDE INDUSTRIAL  
24 AND DOMESTIC SEWAGE DISCHARGES IN AN UNDERGROUND PIPE." SAID ANDERSON.  
25 "BIRDS AREN'T DYING FROM THE ELECTRIC FENCE. THEY ARE DYING FROM  
26 THE WATER ITSELF." FURTHERMORE, DEFENDANTS DID INFACIT HIRE A TESTING  
27 FACILITY FROM MIAMI FLORIDA, WHICH DID NOT UTILIZE THE FEDERAL ENVIRONMENTAL

~~CONFIDENTIAL~~



(CAUSE OF ACTION - CLAIM I-3d)

1 PROTECTION AGENCY STANDARDS OR REGULATIONS FOR TESTING TO TEST WATER  
 2 SAMPLES FROM MCSP, AND EVEN FALSIFIED REPORTS GIVEN TO STATE AND  
 3 FEDERAL AGENCIES TO CONCEAL THE FACT THAT THE 270 DESIGN PRISONS  
 4 IN CALIFORNIA (ALL) SUFFER FROM A SEVERE DESIGN FLAW WHICH  
 5 JEOPARDIZES THE SAFETY OF ~~THOUSANDS~~ TENS OF THOUSANDS OF PRISONERS AND  
 6 THEIR VISITORS BY SUBJECTING THEM TO THE SAME TREATMENT SUFFERED BY  
 7 THE PLAINTIFF.

8 6. PLAINTIFF ASSERTS THAT AT NO POINT WAS MCSP'S WARDEN JOE  
 9 LIZARRAGA, NOR COCK, PUT OUT A MEMORANDUM TO INFORM PLAINTIFF OF  
 10 THE SERIOUSNESS OF THIS CONTAMINATION OF WATER THAT PLAINTIFF IS FORCED  
 11 TO DRINK AND BATHE IN. HAD IT NOT BEEN FOR PLAINTIFF COMPLAINING TO  
 12 FAMILY ABOUT THE PAINS AND INJURIES LISTED THAT I WAS SUFFERING, THEY  
 13 WOULD HAVE NEVER WENT ON THE INTERNET TO RESEARCH THE PROBLEM'S HISTORY,  
 14 AND PLAINTIFF'S MEDICAL NURSE FURTHER INFORMED PLAINTIFF THAT THE WATER  
 15 IS REALLY BAD TO DRINK. PLAINTIFF WOULD NOT HAVE KNOWN THE TRUE EXTENT  
 16 OF THE PROBLEM. THIS WATER HAS HARMED PLAINTIFF WHERE MEDICAL  
 17 TREATMENT WAS SOUGHT AND PROVIDED.

18 FREE STAFF, CORRECTIONAL OFFICERS, AND NURSES AT MCSP HAVE  
 19 MENTIONED ON NUMEROUS OCCASIONS THAT THEY WERE ADVISED BY WAY OF A  
 20 COMPUTER GENERATED MEMO INFORMING THEM NOT TO DRINK THE WATER. IT  
 21 IS ALSO ALLEGED THAT THERE ARE SIGNS POSTED IN THE VISITING ROOM AREA  
 22 ADVISING VISITORS NOT TO DRINK THE WATER. THERE ARE SIGNS OUTSIDE OF MCSP  
 23 STATING, "DO NOT LET YOUR CHILDREN OR PETS COME IN CONTACT WITH THE  
 24 WATER FROM MULE CREEK STATE PRISON." WITH "BIOHAZARD" PRINTED ON THE  
 25 TOP OF THE SIGN, AND THE FILE # "CW-241842 REGIONAL WATER" WRITTEN  
 26 BELOW. EVEN THE NURSES AND DOCTORS SAY THAT INMATES SHOULD BOIL THEIR  
 27 WATER BEFORE DRINKING IT. PLAINTIFF HAS NO WAY OF BOILING THIS WATER DUE

~~XXXXXXXXXX~~



(CAUSE OF ACTION - CLAIM I - 3e)

1 TO THE PRISON NOT ALLOWING HOT POTS THAT BOIL. PLAINTIFF WILL REITERATE  
2 THAT MCSP'S POPULATION HAS NEVER BEEN INFORMED OF THE DRINKING AND  
3 BATHING WATER IS CONTAMINATED.

4 IT IS AN OBLIGATED DUTY OF MCSP'S WARDEN AS WELL AS CDCR  
5 EMPLOYEES TO INFORM AND WARN PLAINTIFF AND THE INMATE POPULATION OF  
6 THIS CONTAMINATED WATER ALONG WITH PROVIDING BOTTLED WATER AS A RESULT  
7 OF THE CONTAMINATION PROBLEM THAT HAS PLAGUED THE PRISON AND CITY  
8 OF IONE, ALONG WITH THE COUNTY OF AMADOR. ALL DEFENDANTS IN  
9 CLAIM ONE ARE SUED IN THEIR OFFICIAL AND INDIVIDUAL CAPACITY.

10 FINALLY, PLAINTIFF HAS COMPLAINED ABOUT HIS SYMPTOMS TO HIS  
11 "CHECK-IN" NURSE ON A WEEKLY BASIS SINCE HIS ARRIVAL AT MCSP,  
12 AND THE MOST THAT HAS BEEN DONE WAS A BLOOD TEST. PLAINTIFF WAS  
13 TOLD THERE WAS NOTHING MORE THEY CAN DO FOR ME, PLAINTIFF'S  
14 DOCTOR MR. WONG ALSO SAID HE CANNOT GIVE ME ANYTHING, AND THAT  
15 HE DOESN'T THINK ANYTHING IS WRONG WITH THE WATER, SO TRYING TO  
16 GET MEDICATION OTHER THAN IBUPROFEN/ASPIRIN IS FUTILE.

17 JUST RECENTLY, WITHIN THE LAST MONTH OF DECEMBER UNTIL  
18 THE PRESENT, TWO MORE PIPES HAVE BUSTED, AND ARE LEAKING INTO  
19 THE CLASSROOMS. THE WATER COMING FROM THE PIPES STINKS, AND SMELLS  
20 LIKE RAW SEWAGE, CHEMICALS AND URINE. THE WATER COMING FROM THE  
21 PIPES FLOODS THE AREA SLOWLY, AND INMATE PORTERS HAVE TO MOP UP/  
22 "WET-VAC" THE CONTAMINATED WATER THROUGHOUT THE DAY.

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~~CONFIDENTIAL~~

SHORT TITLE:

- 4. INJURY

CASE NUMBER:

1 PLAINTIFF SUFFERS FROM DIARRHEA AND DIZZINESS ON A FREQUENT BASIS.  
 2 NURSING STAFF AND THE DOCTOR BOTH KNOW THERE'S AN ALLEGED PROBLEM  
 3 WITH THE WATER, BUT IT IS DOWNPLAYED AND ATTRIBUTED TO OTHER "CAUSES"  
 4 SUCH AS THE MEDICATION I TAKE, WHICH I'VE BEEN TAKING SINCE THE  
 5 LAST PRISON (NEW FOLSOM) I WAS AT AND DIDN'T HAVE ANY OF THESE ISSUES  
 6 THERE,

26 (Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, *not* line  
 27 numbers):

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Page 3A



## CLAIM II

1. State the constitutional or other federal civil right that was violated: 14<sup>TH</sup> AMENDMENT RIGHT TO EQUAL PROTECTION OF THE LAW

2. Claim II. Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Basic necessities  | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

PLAINTIFF ASSERTS THAT ALL NAMED DEFENDANTS ARE CIVILLY LIABLE UNDER THE 14<sup>TH</sup> AMENDMENT: BOY GAVIN NENSON; EX. BOY JERRY BROWN; JOE LIZARRAGA, WARDEN OF MCSP; SCOTT KERNAN EX DEPUTY DIRECTOR; RALPH M. DIAZ, DEPUTY DIRECTOR; DIANA TUCHE, SECRETARY OF HEALTH CARE CDCR; CONNIE GIPSON, DEPUTY DIRECTOR OF FACILITY OPERATION CDCR; TERRY BETTEN COURT, REGIONAL FACILITIES MANAGER; TAMIR AHMED ASSOCIATE DIRECTOR OF CDCR.

ALL OF THE NAMED DEFENDANTS ARE IN VIOLATION OF PLAINTIFF'S 14<sup>TH</sup> AMENDMENT RIGHT TO EQUAL PROTECTION OF THE LAW, AS THEY ALL HOLD THE AUTHORITY OF CDCR TO HAVE WARNED PLAINTIFF ABOUT THE CONTAMINATED WATER, YET THEY FAILED TO DO SO. THEY FAILED TO WARN THE PRISON POPULATION AT MCSP AND AS THIS SERIOUS HEALTH HAZARD OF CONTAMINATED WATER SUPPLY WAS BEING FORCED TO BE CONSUMED BY PLAINTIFF, CDCR & MCSP PROTECTED THEIR EMPLOYEES BY ISSUING A MEMORANDUM BY COMPUTER, BUT FAILING TO PROTECT PLAINTIFF FROM SUFFERING ANY HARM OF MEDICAL ISSUE CAUSED BY THE CONTAMINATED WATER. PLAINTIFF IS BEING FORCED TO CONSUME CONTAMINATED WATER BY NOT MAKING PLAINTIFF AWARE OF THE EXISTENCE OF SAID INHUMANE CONDITIONS, AND NOT PROVIDING RELIEF FROM THESE INHUMANE CONDITIONS

(SEE ATTACHMENT)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

DEFENDANTS FAILED TO WARN PLAINTIFF ABOUT THE CONTAMINATED WATER, AND ALSO FAILED TO PROVIDE CLEAN DRINKING WATER WHILE AT THE SAME TIME BEING AWARE OF THE CONTAMINATION. AS A RESULT OF DEFENDANTS' DELIBERATE INDIFFERENCE, PLAINTIFF WAS SUBJECTED TO DAILY STOMACH ACHES, ACHING JOINTS, NAUSEA, FREQUENT VOMITING & HEADACHES WHICH PERSISTS TO THIS VERY DAY.

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☐ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☐ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. PURSUANT TO PLAINTIFF'S WHISTLEBLOWER PROTECTION ACT CASE #12019-1462, FILING A GRIEVANCE WOULD'VE DEFEATED THE PROTECTION OF THE WHISTLEBLOWER'S IDENTITY



1 (CLAIM II SUPPORTING FACTS, CONTINUED AS PAGE 4A)

2 1. PLAINTIFF ASSERTS THAT HE HAS BEEN HOUSED AT MCSP  
3 SINCE OCTOBER 13, 2019, AND THAT DEFENDANTS HAVE NEVER  
4 POSTED ANY NOTICE OR MEMORANDUM TO THE WHOLE INMATE  
5 POPULATION STATING THAT THE WATER WAS CONTAMINATED.

6 2. HOWEVER, MCSP DID IN FACT SEND OUT WITH REGARD TO  
7 THE WATER AND ITS CONTAMINATION, A DECEPTIVE MEMORANDUM  
8 STATING THAT THE WATER WAS SAFE FOR CONSUMPTION, AND IT  
9 WASN'T UNTIL RECENTLY THAT PLAINTIFF LEARNED OF THE ALLEGEDLY  
10 BEING CDCR & MCSP MEMORANDUMS POSTED FOR VISITORS IN  
11 THE VISITING AREAS WARNING VISITORS OF THE CONTAMINATED  
12 WATER.

13 3. PLAINTIFF ASSERTS THAT MCSP HAS NOT PROVIDED A CLEAN  
14 SOURCE OF WATER FOR HIMSELF, OR THE PRISON POPULATION FOR  
15 CONSUMPTION. EVEN THOUGH CDCR, MCSP, HAS THE KNOWLEDGE THAT  
16 THE WATER SUPPLY IS CONTAMINATED, DEFENDANTS HAVE IN FACT HAD  
17 KNOWLEDGE OF THE EXISTING PROBLEM SINCE AT LEAST (2006), AND  
18 THE INMATE POPULATION STILL CONTINUES TO SUFFER HARM FROM THE  
19 CONTAMINATED WATER.

20 4. PLAINTIFF ASSERTS THAT ~~ALL~~ ALL CDCR OFFICERS AT MCSP  
21 ARE UNDER THE COLOR OF LAW, AND ARE ALSO RESPONSIBLE FOR  
22 FAILURE TO REPORT MISCONDUCT, WHICH IS A VIOLATION OF CDCR'S  
23 MEMORANDUM TO ALL CDCR PEACE OFFICERS WARNING THEM ABOUT THE  
24 ZERO TOLERANCE POLICY PROHIBITING THE "CODE OF SILENCE" AMONG  
25 PRISON OFFICIALS FAILING/REFUSING TO REPORT A CRIME, MISCONDUCT  
26 ~~OR THE~~ AND THE LIKE. ALL DEFENDANTS IN CLAIM II ARE SUED IN  
27 THEIR OFFICIAL AND INDIVIDUAL CAPACITIES.



**CLAIM III**

1. State the constitutional or other federal civil right that was violated: VIOLATION OF THE 11<sup>TH</sup> AMENDMENT TO THE US CONSTITUTION FOR SOVEREIGN IMMUNITY, 12 USC, 241 & 242 CONSPIRACY TO DENY RIGHT UNDER COLOR OF LAW.

2. **Claim III.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Basic necessities  | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

1. PLAINTIFF ASSERTS THAT DEFENDANTS DID IN FACT ON SEVERAL OCCASIONS ACCEPT FUNDS FROM THE STATE, AND FEDERAL AGENCIES CONCERNING THIS MATTER, THEREFORE WAIVING THEIR CONSTITUTIONAL RIGHT TO SOVEREIGN IMMUNITY UNDER THE ELEVENTH AMENDMENT TO THE U.S. CONSTITUTION.

2. PLAINTIFF MAKES REFERENCES TO THE QUOTES SPOKEN BY GREGORY LARRABEE, CHIEF REGULATORY COMPLIANCE FOR CDCR: "WE HAVE SPENT OVER 2 MILLION TO DATE IN CONDUCTING A COMPREHENSIVE SITE WIDE INVESTIGATION OF THE STORM WATER COLLECTION SYSTEM AT MCSP."

3. PLAINTIFF MAKES ANOTHER REFERENCE OF THE ~~QUOTE~~ QUOTE FROM THE LEDGER DISPATCH WHO CONTACTED A MASTER PLUMBER TO DISCUSS INVESTIGATING THE THREE SEWER SYSTEMS AT MCSP: "IT'S A VERY LOGICAL PROCESS, LOOKING AT THE PHOTOS, IT CERTAINLY APPEARS THERE IS WATER AND CONTAMINATION THAT SHOULD NOT BE THERE. IT COULD BE THAT ONE OF THE SEWER LINES IS CONNECTED TO THE WRONG SYSTEM CAUSING THE ISSUE. ~~IT COULD BE THAT ONE OF THE SEWER LINES IS CONNECTED TO THE WRONG SYSTEM CAUSING THE ISSUE. IT COULD BE THAT ONE OF THE SEWER LINES IS CONNECTED TO THE WRONG SYSTEM CAUSING THE ISSUE. IT COULD BE THAT ONE OF THE SEWER LINES IS CONNECTED TO THE WRONG SYSTEM CAUSING THE ISSUE.~~ IT COULD BE PIPES ARE BROKEN OR CATASTROPHIC FAILURE, WE'D WANT ACCESS TO ALL THE SYSTEMS AND EVERY WHERE WE CAN LOOK, WE FOLLOW THE FLOW OF WATER, AND CAN CAMERA TEST ALL THE LINES. IM GUESSING IT WOULD TAKE TWO WEEKS, CERTAINLY IT COULD BE COMPLETED IN FOUR OR

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

12 U.S.C. 241 & 242 "CONSPIRED TO DENY RIGHT UNDER COLOR OF LAW." PLAINTIFF ASSERTS THAT ALL DEFENDANTS DID IN FACT CONSPIRE TO DENY PLAINTIFF HIS BASIC HUMAN RIGHTS TO CLEAN CONSUMABLE WATER. PLAINTIFF ALSO ASSERTS DEFENDANTS DID IN FACT CONSPIRE TO HIDE THE FACT FROM PLAINTIFF AND THE

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- Did you submit a request for administrative relief on Claim III? ☐ Yes ☐ No
- Did you appeal your request for relief on Claim III to the highest level? ☐ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. PLAINTIFF FILED A WHISTLE BLOWER PROTECTION ACT COMPLAINT PURSUANT TO GOVERNMENT CODE 8547. FILING GRIEVANCE DEFERES THE PURPOSE OF THE WHISTLE BLOWERS IDENTITY BEING PROTECTED.

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.



## (CLAIM III - SUPPORTING FACTS - PAGE 5A)

1 FIVE WEEKS WITH A COUPLE CAMERAS GOING EIGHT HOURS A DAY. ID  
 2 CHARGE \$125.00 AN HOUR LOOKING AT THE WHOLE SYSTEM, YOU'D HAVE  
 3 YOUR ANSWER AND A COMPLETE LOOK AT THE ENTIRE MCSP SEWER SYSTEM  
 4 FOR \$5,000.00 A WEEK (MONDAY-FRIDAY). A FIVE WEEK INVESTIGATION  
 5 WOULD TOTAL \$25,000.00. ONCE WE KNOW WHAT WE ARE DEALING WITH,  
 6 PIPES CAN BE REPLACED WITH LINERS AND THE LIKE, NOT AN EASY PROCESS,  
 7 ESPECIALLY IN A PRISON ENVIRONMENT. BUT I IMAGINE YOU COULD MOVE  
 8 FOLKS AROUND AS YOU REPAIRED DIFFERENT SECTIONS LIKE I SAID, IT IS A  
 9 LOGICAL PROCESS. IT WOULDN'T BE EASY, AND IF IT IS CATASTROPHIC, IT  
 10 WOULD BE HARD TO FIX, BUT IT CERTAINLY CAN BE DONE."

11 4. PLAINTIFF ASSERTS HE IS A STATE PRISONER AT MCSP, AND THAT  
 12 MY DRINKING WATER TO THIS DATE HAS BEEN AND STILL IS MAKING ME  
 13 SICK, IT IS NOT CLEAN, AND IT DOESN'T SMELL CLEAN. AT ANY TIME YOU  
 14 SMELL THE WATER, IT HAS AN ODOR OF DIRT, SEWAGE, CHEMICALS OR FECES.  
 15 IT'S ALLEGED THAT THERE WAS A CONTRACT OF SEPT 9, 1985 FOR A SEWAGE  
 16 TREATMENT PLANT WHICH HAS NOT HAPPENED TO DATE, AND CDCR STILL  
 17 CONTINUES TO ALLOW A VERY SERIOUS HEALTH HAZARD PROBLEM WITH  
 18 CONTAMINATED WATER TO GO UNRESOLVED,

19 5. PLAINTIFF ASSERTS THAT SINCE HIS ARRIVAL AT MCSP ON SEPT  
 20 13, 2019 THE WATER HAS SMELLED AND TASTED LIKE SEWAGE IN BUILDING  
 21 2, ~~AND~~ A LOT OF INMATES ALSO COMPLAINED OF THIS, AND I STILL LIVE  
 22 IN BUILDING 2 ON "A" FACILITY SINCE MY ARRIVAL ~~AND~~ AT MCSP ON  
 23 9-13-19.

24 6. MCSP, CDCR, HAS RECEIVED CONTINUOUS FUNDING FOR A ~~BUT~~ FIX  
 25 OF A SERIOUS HEALTH MATTER FROM OUTSIDE SOURCES FOR SOME TIME AND  
 26 THEY DO GIVE A GOOD SPEECH AS TO WHAT IS BEING DONE TO THOSE WHO  
 27 CAN'T ACTUALLY VERIFY THAT NOTHING IS BEING DONE, AND HASN'T BEEN DONE



(CLAIM III - SUPPORTING FACTS - PAGE 5B)

1 FOR YEARS. STILL PLAINTIFF ALONG WITH MCSP POPULATION CONTINUE TO  
2 SUFFER FROM MCSP'S CONTAMINATED WATER SUPPLY. ALL DEFENDANTS  
3 IN CLAIM III ARE SUED IN THEIR OFFICIAL & PERSONAL CAPACITY.  
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SHORT TITLE:

"INJURY" CONTINUED...

CASE NUMBER:

1 INMATE POPULATION AT MCSP THAT THE WATER IS OR MAY BE CONTAMINATED  
 2 AND DANGEROUS TO CONSUME, AND DID IN FACT CONTRACT A CONSTRUCTION  
 3 CREW FROM SIERRA COMMUNICATION AND CONSTRUCTION INCORPORATED (SCCI)  
 4 TO BUILD A CULVERT SYSTEM WHICH MCSP & CDCR WOULD USE TO HIDE  
 5 THE TRUE EXTENT OF CONTAMINATION USING CALIFORNIA STATE TAX PAYER  
 6 DOLLARS.

26 (Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, *not* line  
 numbers):

27 This page may be used with any Judicial Council form or any other paper filed with the court.

Page 5-5



**E. REQUEST FOR RELIEF**

State the relief you are seeking:

PLAINTIFF SEEKS THE FOLLOWING RELIEF: ~~1) A MONETARY SUM OF \$80,000,000.00 (EIGHTY MILLION)~~ 1) A MONETARY SUM OF \$80,000,000.00 (EIGHTY MILLION) DOLLARS IN COMPENSATORY DAMAGES, AND \$80,000,000.00 (EIGHTY MILLION) DOLLARS IN PUNITIVE DAMAGES. ~~2) FOR ALL STATE AND FEDERAL TAXES TO BE PAID IN FULL BY DEFENDANTS;~~ 2) FOR ALL STATE AND FEDERAL TAXES TO BE PAID IN FULL BY DEFENDANTS; 3) ALL COURT FEES, FILING FEES, ADDITIONAL FEES, AND ANY OTHER FEES ASSOCIATED WITH THIS CASE'S PROCEEDINGS AND PROCEDURES; 4) TO BE GIVEN A PARDON FROM GOVERNOR GAVIN NEWSOM ON PLAINTIFF'S YOUTH OFFENDER PAROLE DATE IN OCTOBER 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

1-31-20

DATE



SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.